PTO/S8/08a/b (07-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

| Subs | stitute for form 1449A/B | /PTO | | Complete Like OV 4 1 | | |
|-------|-----------------------------------|-------|---------|------------------------|-----------------------|--|
| • | | | | Application Number | Not Yet Assigned | |
| IN | FORMATIC | N DIS | CLOSURE | Filing Date | Concurrently Herewith | |
| S | STATEMENT BY APPLICANT | | | First Named Inventor | Matt Sauer | |
| | | ٠ | | Art Unit | N/A | |
| | (Use as many sheets as necessary) | | | Examiner Name | Not Yet Assigned | |
| Sheet | 1 | of | 2 | Attorney Docket Number | 13173-00026-US | |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|--------------------------|---|--------------------------------|--|---|--|--|
| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (#known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | |
| | | | | | | | |

| | | | FOREIG | N PATENT DOCUMENTS | | |
|----------------------|--------------|---|-----------------------------------|---|--|------------------|
| Examiner nitials* | Cite No.1 | Foreign Patent Document Country Code ³ -Number ⁴ - Kind Code ⁸ (If known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | 1 ⁴ |
| 7BP/ | BA | EP-0 524 910-A2 | 01-27-1993 | Sandoz Ltd. | | |
| | BB | WO-98/14465-A1 | 04-09-1998 | Colorado State University et al. | | |
| | ВС | WO-98/24300-A1 | 06-11-1998 | Yissum Research and Development Company of the Hebrew University of Jerusalem | | |
| | BD | WO-99/61399-A1 | 12-02-1999 | The University of Maryland | | |
| | BE | WO-00/08920-A1 | 02-24-2000 | Yissum Research and Development Company of the Hebrew University of Jerusalem | | |
| | BF | WO-00/32788-A2 | 06-08-2000 | Chr.Hansen A/S | | • |
| | BG | WO-00/66747-A1 | 11-09-2000 | Zeneca Limited | | |
| | вн | EP-1 323 825-A2 | 07-02-2003 | Enea Ente Per Le Nuove Tecnologie, L'Energia E L'Ambiente et al. | | |
| | ВІ | DE-102 38 979-A1 | 02-26-2004 | SunGene GmbH & Co. KGaA | | See Attached |
| | BJ | DE-102 38 980-A1 | 03-04-2004 | SunGene GmbH & Co. KGaA | | See Attached |
| | BK | DE-102 38 978-A1 | 03-04-2004 | SunGene GmbH & Co. KGaA | | See Attached |
| | BL | CA-2 496 300-A1 | 04-01-2004 | SunGene GmbH & Co. KGaA | I | |
| | ВМ | WO-04/027069-A1 | 04-01-2004 | SunGene GmbH & Co. KGaA | | See CA 2 496 300 |
| | BN | DE-102 53 112-A1 | 06-03-2004 | SunGene GmbH & Co. KGaA | | See Attached |
| V | во | WO-02/061050-A2 | 08-08-2002 | University of Maryland, College Park | | |

"EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | | | | |
|---------------------------------|----|--|--|--|--|--|
| Examiner Cite | | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | | |
| /BP | CA | Ronen, Gil, et al., "An Alternative Pathway to β-carotene Formation in Plant Chromoplasts Discovered by Map-Based Cloning of <i>Beta</i> and <i>old-gold</i> Color Mutations in Tomato", Proceedings of National Academy of Science, USA, Vol. 97, No. 20 (2000), pp. 11102-11107. | | | | |

| Examiner Signature | /Brent Page/ | Date Considered | 09/10/2007 |
|-----------------------|--------------|--------------------|------------|
| Signature | | Considered | |

APENIEC'S PCT/PTO 17 FEB 2006

PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Sut | estitute for form 1449A/B/P | го | | Complete Il Anown? O - 1 4 | | |
|-------|--|--------|----------------|----------------------------|-----------------------|--|
| | | | | Application Number | Not Yet Assigned | |
| - 11 | IFORMATION | N DISC | LOSURE | Filing Date | Concurrently Herewith | |
| S | TATEMENT | BY API | PLICANT | First Named Inventor | Matt Sauer | |
| | | | | Art Unit | N/A | |
| | (Use as many sheets as necessary) | | | Examiner Name | Not Yet Assigned | |
| Sheet | Sheet 2 of 2 Attorney Docket Number 13173-00026-US | | 13173-00026-US | | | |

| | /BP | CB / | Rosati, Carlo, et al., "Metabolic Engineering of Beta-Carotene and Lycopene Content in Tomato Fruit", The Plant Journal, Vol. 24, No. 3 (2000), pp. 413-419. | |
|--|----------------|---|---|--|
| CC | | CC | Mann, Varda, et al., "Metabolic Engineering of Astaxanthin Production in Tobacco Flowers", Nature Biotechnology, Vol. 18 (2000), pp. 888-892. | |
| | | | Corona, Vittorio, et al., "Regulation of a Carotenoid Biosynthesis Gene Promoter During Plant Development", The Plant Journal, Vol. 9, No. 4 (1996), pp. 505-512. | |
| | | Benfey, Philip N., et al., "Regulated Genes In Transgenic Plants", Science 244 (1989), pp. 174-181, XP0001183154. | | |
| CF Benfey, P. N., et al., "Petunia 5-enolpyruvylshiki gene, 5' end.", EMBL-EBI Database, Accession | | CF | Benfey, P. N., et al., "Petunia 5-enolpyruvylshikimate-3-phosphate synthase (EPSP synthase) gene, 5' end.", EMBL-EBI Database, Accession No. M37029, September 13, 1990. | |
| | | CG | Benfey, Philip N., et al., "Sequence Requirements of the 5-Enolpyruvylshikimate-3-phosphate synthase 5'-Upstream Region for Tissue-Specific Expression in Flowers and Seedlings", The Plant Cell, Vol. 2 (1990), pp. 849-856. | |
| | \overline{V} | СН | Vishnevetsky, Michael, et al., "Molecular Mechanisms Underlying Carotenogenesis in the Chromoplast: Multilevel Regulation of Carotenoid-Associated Genes", The Plant Journal, Vol. 20, No. 4 (1999), pp. 423-431. | |

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| Examiner | 15 15 | Date | |
|-----------|--------------|------------|--------------|
| Signature | /Brent Page/ | Considered | l 09/10/2007 |

^{&#}x27;Applicant's unique citation designation number (optional). *Applicant is to place a check mark here if English language Yranslation is attached.